



10-2803

3763

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 11738.00038)

11-6  
#4

In the Application of:

Hartlaub et al.

Group Art Unit: 3763

Serial No. 10/005,789

Examiner: Kathryn L. Thompson

Filed: November 8, 2001

For: INFUSION SYSTEMS FOR CREATING  
MICROENVIRONMENTS IN A LIVING  
BODY

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TECHNOLOGY CENTER R3700

INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the Applicants wish to make the following references of record in the above-identified application and state that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. 1.56. Copies of the references cited below are enclosed. The references are also listed on the enclosed and completed PTO Form 1449.

This Information Disclosure Statement is being filed after receipt of a First Office Action. Accordingly, a fee of \$180.00 is required. The Commissioner is authorized to charge our Deposit Account No. 19-0733.

10/31/2003 SSITHIR1 00000102 190733 10005789  
01 FC:1806 180.00 DA

## **REFERENCES**

### **U.S. Patents**

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2. Kühl et al., U.S. Patent No. 4,140,122, issued February 20, 1979;
3. Brown et al., U.S. Patent No. 4,952,406, issued August 28, 1990;
4. Aebischer et al., U.S. Patent No. 5,011,472, issued April 30, 1991;
5. Currie et al., U.S. Patent No. 5,366,454, issued November 22, 1994;
6. Seckel, U.S. Patent No. 5,584,885, issued December 17, 1996;
7. Hadden, U.S. Patent No. 5,632,983, issued May 27, 1997;
8. Rise, U.S. Patent No. 5,643,207, issued July 1, 1997;
9. Elsberry et al., U.S. Patent No. 5,711,316, issued January 27, 1998;
10. Kmiec, U.S. Patent No. 5,731,181, issued March 24, 1998;
11. Elsberry, U.S. Patent No. 5,735,814, issued April 7, 1998;
12. Medencia et al., U.S. Patent No. 5,736,129, issued April 7, 1998;
13. Otto, U.S. Patent No. 5,769,823, issued June 23, 1998;
14. Kmiec, U.S. Patent No. 5,795,972, issued August 18, 1998;
15. Elsberry et al., U.S. Patent No. 5,814,014, issued September 29, 1998;
16. Elsberry et al., U.S. Patent No. 5,832,932, issued November 10, 1998;
17. Weiss et al., U.S. Patent No. 5,980,885, issued November 9, 1999;
18. Kumar et al. U.S. Patent No. 6,004,804, issued December 21, 1999;
19. Kmiec et al., U.S. Patent No. 6,010,907, issued January 4, 2000;
20. Elsberry, U.S. Patent No. 6,042,579, issued March 28, 2000;
21. Elsberry, U.S. Patent No. 6,093,180, issued July 25, 2000;
22. Soykan et al., U.S. Patent No. 6,151,525 issued November 21, 2000; and
23. Soykan et al., U.S. Patent No. 6,206,914 issued March 27, 2001.

### **Foreign Patents**

1. Elsberry et al., PCT Publication No. WO 97/40874, issued November 6, 1997;
2. Stokes et al., PCT Publication No. WO 98/02040, issued January 22, 1998;
3. Stokes et al., PCT Publication No. WO 98/02150, issued January 22, 1998;
4. Haynes et al., PCT Publication No. WO 98/15615, issued April 16, 1998;
5. Elsberry et al., PCT Publication No. WO 98/48723, issued November 5, 1998.

### **Other References**

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- 1 Metzler, M., Helgason, C., Dragatsis, I., Zhang, T., Gan, L., Pineult, N., Zeitlin, S., Humphries, R., and Hayden, M., "Huntington is required for normal hematopoiesis," *Hum. Mol. Genet.* 9: 387-94 (2000)
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13. Targeted Gene Repair and Its Application to Neurodegenerative Disorders, Hetal Parekh-Olmedo, et al., Department of Biological Sciences Delaware Biotechnology Institute University of Delaware Newark, Department of Neurology Massachusetts General Hospital Harvard Medical School Boston MA, *Neuron*, Vol. 33, 495-498, February 14, 2002.
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20. Seil, M.D., "Neuronal Regeneration, Reorganization, and Repair," Advances in Neurology, Vol. 72, pp. 121-123 (1997).

Respectfully submitted,

BANNER & WITCOFF, LTD

Dated: October 27, 2003

By:



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**CERTIFICATE OF MAILING**  
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Express Mail No. EL941345632US

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Deposited: October 27, 2002

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By: \_\_\_\_\_

Application of: Hartlaub

Application No.: 10/005,789

Filing Date: November 8, 2001

Title: Infusion System for Creating Microenvironments in a Living Body

Transmitted herewith are the following documents:

- ☒ Fee Transmittal Form (1 page) in duplicate
- ☒ Transmittal Form (1 page) in duplicate
- ☒ Information Disclosure Statement (5 pages)
- ☒ PTO SB/08A (2 pages) with cited references attached
- ☒ Return Postcard

Attorney Case No.: 11738.00038



PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/005,789
	Filing Date	November 8, 2001
	First Named Inventor	Hartlaub
	Art Unit	3763
	Examiner Name	Kathryn L. Thompson
Total Number of Pages in This Submission	Attorney Docket Number	11738.00038

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>PTO SB/08A with cited references attached.</b>
Remarks		Being filed via Express Mail No.:EL941345632US
The Commissioner is hereby authorized to charge any deficiencies in payment or credit any overpayment to our Deposit Account 19-0733.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Scott A. Burow
Signature	
Date	October 27, 2003

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL**  
**for FY 2004**

OCT 27 2003  
Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 180

**Complete If Known**

Application Number 10/005,789

Filing Date November 8, 2001

First Named Inventor Hartlaub

Examiner Name Kathryn L. Thompson

Art Unit 3763

Attorney Docket No. 11738.00038

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**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None Order

☒ Deposit Account:

Deposit Account Number 19-0733

Deposit Account Name Banner & Witcoff, LTD.

The Director is authorized to: (check all that apply)

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**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	770	385	Utility filing fee	
1002	2002	340	170	Design filing fee	
1003	2003	530	265	Plant filing fee	
1004	2004	770	385	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					(\$ 0)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims  \*\* =  Extra Claims X  Fee from below =  Fee Paid

Independent Claims  \*\* =  Extra Claims X  Fee from below =  Fee Paid

Multiple Dependent  X  Fee from below =  Fee Paid

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	2202	18	9	Claims in excess of 20	
1201	2201	86	43	Independent claims in excess of 3	
1203	2203	290	145	Multiple dependent claim, if not paid	
1204	2204	86	43	** Reissue independent claims over original patent	
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					(\$ 0)

**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oath	
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet.	
1053	1053	130	130	Non-English specification	
1812	1812	2,520	2,520	For filing a request for reexamination	
1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action	
1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	420	210	Extension for reply within second month	
1253	2253	950	475	Extension for reply within third month	
1254	2254	1,480	740	Extension for reply within fourth month	
1255	2255	2,010	1,005	Extension for reply within fifth month	
1401	2401	330	165	Notice of Appeal	
1402	2402	330	165	Filing a brief in support of an appeal	
1403	2403	290	145	Request for oral hearing	
1451	1451	1,510	1,510	Petition to institute a public use proceeding	
1452	2452	110	55	Petition to revive - unavoidable	
1453	2453	1,330	665	Petition to revive - unintentional	
1501	2501	1,330	665	Utility issue fee (or reissue)	
1502	2502	480	240	Design issue fee	
1503	2503	640	320	Plant issue fee	
1460	1460	130	130	Petitions to the Commissioner	
1807	1807	50	50	Processing fee under 37 CFR 1.17 (q)	
1806	1806	180	180	Submission of Information Disclosure Stmt	180
8021	8021	40	40	Recording each patent assignment per property (times number of properties)	
1809	2809	770	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	2810	770	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	2801	770	385	Request for Continued Examination (RCE)	
1802	1802	900	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
<b>SUBTOTAL (3)</b>					(\$ 180)

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY**

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Date October 27, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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